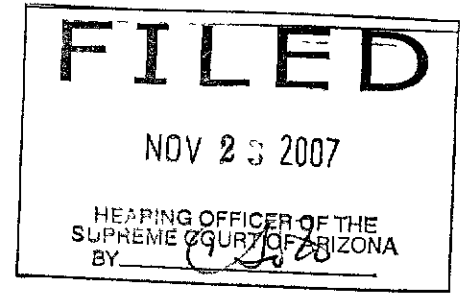


**BEFORE A HEARING OFFICER
OF THE SUPREME COURT OF ARIZONA**



IN THE MATTER OF A MEMBER OF
THE STATE BAR OF ARIZONA,

) File No. 06-1088
)
)
)
)

JACK H. LASSETER,
Bar No. 002086

) **HEARING OFFICER'S REPORT**
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)

RESPONDENT.
_____)

PROCEDURAL HISTORY

1. The State Bar filed a Complaint in this matter on July 13, 2007. On July 25, 2007, this matter was assigned to the undersigned Hearing Officer. Respondent filed his Answer on August 7, 2007. Notice of Settlement was filed on August 29, 2007, and a hearing on the settlement was conducted on November 2, 2007.

FINDINGS OF FACT

2. At all times relevant hereto, Respondent was a member of the State Bar of Arizona, having been admitted on September 23, 1967.

Count One (File No. 06-1088)

1999 Incident:

3. On or about March 19, 1999, Adam Chacon ("Mr. Chacon") was working as a UPS driver in the area of 425 N. Sahuara Avenue, in Tucson, Arizona.
4. Respondent, in his own vehicle, drove past Mr. Chacon. Respondent had no previous contact or affiliation with Mr. Chacon.

5. Respondent was naked below the waist, and from outside Respondent's vehicle Mr Chacon could see Respondent's genitals. Respondent was masturbating at the time
- 6 Mr. Chacon wrote down Respondent's license plate number and notified the Tucson Police Department
- 7 On March 20, 1999, Respondent admitted to officers Nathanson and Sliffe of the Tucson Police Department that he had been in the area in question and was giving himself sexual gratification at the time of the incident.
- 8 On or about May 12, 1999, Respondent admitted to Detective Apodaca of the Tucson Police Department that he had been in the area in question and was giving himself sexual gratification at the time of the incident.
- 9 On or about May 21, 1999, Respondent was charged with indecent exposure, a class one misdemeanor. On or about June 3, 1999, Respondent pled guilty and was convicted of this crime.
10. Respondent self reported this incident to the Arizona State Bar, but the State Bar did not act on the incident.

2005 Incident:

11. On or about April 26, 2005, Mona Serrone accused Respondent of exposing himself to her
12. On or about May 18, 2005, Respondent was charged with one count of indecent exposure, a class one misdemeanor, and one count of public indecency, a class one misdemeanor, in the City of Tucson, Complaint Number 06-172808.
13. When confronted by Detective Dietsch of the Tucson Police Department, Respondent denied the allegations.

14. The matter proceeded to trial. Despite denying the allegations, Respondent was convicted at his trial of indecent exposure, a class one misdemeanor, on June 20, 2006
15. Respondent was sentenced to three years of unsupervised probation and 36 hours of counseling. Respondent appealed his conviction and the conviction was upheld on appeal.

CONCLUSIONS OF LAW

16. The Hearing Officer concludes that the Respondent violated the following Rules of Professional Conduct:

Rule 41(g) Ariz.R.Sup.Ct. - Duties and Obligations of Members

Rule 42 Ariz.R.Sup.Ct , ER 8.4(b) - Misconduct

Rule 53(h) Ariz.R.Sup.Ct. - Grounds for Discipline.

ABA STANDARDS

17. ABA *Standard* 3.0 provides that four criteria should be considered: (1) the duty violated; (2) the lawyer's mental state; (3) the actual or potential injury caused by the lawyer's misconduct; and (4) the existence of aggravating and mitigating factors.
18. The parties agreed, and the Hearing Officer concurs, that the most serious misconduct in this case is Respondent's failure in his duty to the legal profession, specifically, his conviction of two misdemeanors involving moral turpitude. Respondent's conduct, in violation of ER 8.4(b), implicates *Standard* 5.1.
19. *Standard* 5.12 provides that "Suspension is generally appropriate when a lawyer knowingly engages in criminal conduct, which does not contain the elements listed in *Standard* 5.11 (intentional interference with the administration of justice, false swearing,

misrepresentation, fraud, extortion, misappropriation, or theft, etc.) and that seriously adversely reflects on the lawyer's fitness to practice."

20. Respondent knowingly engaged in criminal conduct, as is evidenced by his two convictions for indecent exposure, class one misdemeanors. Although the convictions did not directly implicate honesty or trustworthiness, they involve matters of moral turpitude and evidence a disregard for the laws a lawyer is sworn to uphold, thereby adversely reflecting on Respondent's fitness to practice law
21. The presumptive sanction in this matter is suspension. Application of the aggravating and mitigating factors also assists in determining the appropriate sanction as well as the length of suspension

Aggravating Circumstances:

22. *Standard 9.22(c) Pattern of misconduct.* This matter involves two convictions for what is essentially the same behavior. Respondent was convicted of indecent exposure, a class one misdemeanor in 1999, and convicted of indecent exposure, a class one misdemeanor again in 2006. As the misconduct in the 1999 case is similar to the misconduct in the 2006 case, *Standard 9 22(c)* is implicated.
23. *Standard 9.22(i) Substantial experience in the practice of law.* Respondent was admitted to practice on September 23, 1967
24. *Standard 9.22(k) Illegal conduct* This matter involves two misdemeanor criminal convictions.

Mitigating Circumstances:

25. *Standard 9.32(a)* Absence of prior disciplinary record. Respondent has one other contemporaneous case that is being diverted through LOMAP, but otherwise has no prior disciplinary history
26. *Standard 9.32(k)* Imposition of other penalties or sanctions Respondent was convicted of two misdemeanors, placed on three years of probation, and required to undergo 36 hours of counseling for his conduct

PROPORTIONALITY REVIEW

- 27 The Supreme Court has held that in order to achieve proportionality when imposing discipline, the discipline in each situation must be tailored to the individual facts of the case in order to achieve the purpose of discipline. *In re Wines*, 135 Ariz. 203, 660 P 2d 454 (1983).
28. In *In re Sodikoff*, DC-04-1979 (2006), the lawyer was suspended for 30 days along with two years of probation, Membership Assistance Program ("MAP"), a professionalism course, and six hours of Mandatory Continuing Legal Education ("MCLE"), after being convicted of misdemeanor contempt for striking opposing counsel outside of the courtroom in violation of ER's 3.5 and 8.4
29. In *In re Carrasco*, SB-04-0149-D (2005), the lawyer was suspended for six months and one day and given two years probation after being convicted of obstruction of a criminal investigation, a class five felony, for contacting a crime victim and claiming to be her attorney, in violation of the ER's 1.7, 4.1, and 8.4.

30. In *In re Clark*, SB-98-0067-D (1998), the lawyer was censured and placed on two years probation after being convicted of solicitation to possess cocaine, a class one misdemeanor, in violation of ER 8.4 and Rules 51 and 57.
31. In *In re Saidel*, SB-03-0123-D (2003), the lawyer was suspended for six months with one year probation and MAP after pleading guilty to two counts of endangerment, class six non-dangerous felonies, for speeding and injuring passengers in his vehicle in violation of ER 8.4 and Rule 51.
32. The parties submit that based upon the cases cited above and on the specific facts of Respondent's cases, including his aggravating and mitigating factors, that a suspension for four months and probation consisting of a MAP consultation is an appropriate sanction in this matter. While Respondent's convictions were for misdemeanor offenses, the fact that there were two separate convictions, coupled with the seriousness of the type of charges, indicate that suspension is appropriate.

RECOMMENDATION

33. The Hearing Officer had an opportunity to witness the Respondent's demeanor and found him to be contrite and apologetic for his conduct. Respondent has retired from the practice of law since September 1, 2007, and has indicated that he intends to remain retired. The parties anticipate that Respondent's probationary term will only last as long as it takes for the Respondent to complete his MAP consultation.
34. This Hearing Officer concurs with the recommendation set forth in the Tender of Admissions
- 1) Respondent shall be suspended for a period of four months.

- 2) Respondent shall be placed on probation with the following terms: Respondent shall contact the director of the State Bar's Membership Assistance Program within 30 days of the date of the final judgment in this order. Respondent shall participate in a MAP initial consultation. The probation period will begin to run at the time of the judgment and order, and will conclude once Respondent has complied with the terms of probation.
- 3) Respondent will pay all costs of this matter.

DATED this 23rd day of November, 2007.

H. Jeffrey Coker /cs
H. Jeffrey Coker, Hearing Officer

Original filed with the Disciplinary Clerk
this 23rd day of November, 2007.

Copy of the foregoing mailed
this 23rd day of November 2007, to.

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by CL Little